IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2993 OF 1999

M/s.Air India Ltd. ...Petitioner

Versus

D.G.Patil ...Respondent

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Mr.C.U.Singh with Mr.Saluja i/b M.V.Kini & Co. for Petitioner.

Mr.A.V.Bukhari i/b Mr.Umesh Nabar for Respondent.

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CORAM: A.M.KHANWILKAR, J.

SEPTEMBER 1, 2004.

P.C.

1. Heard Counsel for the parties.

2. The main Writ Petition has been disposed of by me on 24th March 2004. When the Petition was disposed of, it was not brought to my notice that pursuant to interim order passed by this Court, the Petitioner had deposited requisite amount, out of which 50% amount has been withdrawn by the

Respondent No.1. No orders were sought with regard to the necessity of either refunding the 50% amount, which is still lying in the Registry of this Court or regarding the 50% amount withdrawn by Respondent No.1. It is in that backdrop, present matter has been moved before me on praecipe.

3. After hearing the Counsel for the parties, the appropriate course to my mind is to permit the Petitioner to withdraw the 50% amount deposited in this Court, which has been invested by the Office along with interest accrued thereon. In so far as 50% amount which has been withdrawn by Respondent No.1, the undertaking given by the Respondent No.1 before this Court pursuant to order dated 2nd May 2003 will enure till the disposal of the case by the Industrial Tribunal. In other words, if the Industrial Tribunal decides the matter against the Respondent No.1, the Respondent No.1 shall be obliged to refund the 50% amount in terms of the undertaking already given to this Court within two weeks from the date of the order and subject to such other or further orders that may be passed by this Court on the application moved by the

Respondent No.1 in that behalf. Ordered accordingly.

4. All concerned to act on the ordinary copy of this order, duly authenticated by the Associate of this Court.

A.M.KHANWILKAR, J.